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17 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA

18 **FEDERAL TRADE COMMISSION,**

20 Plaintiff,
21 v.

22 AMG Services, Inc., et al.,

23 Defendants, and

24 Park 269 LLC, et al.,

25 Relief Defendants.
26

Case No. 2:12-cv-536

**JOINT MOTION TO
UNSEAL AND FILE
REDACTED MEMORANDA
AND EXHIBITS IN
CONNECTION WITH
PRELIMINARY
INJUNCITON MOTION**

1 Plaintiff Federal Trade Commission (“FTC”) and Defendants AMG Services,
2 Inc., Red Cedar Services, SFS, Inc., and Tribal Financial Services (“Defendants”) hereby
3 submit this joint motion to modify previous orders of the Court sealing certain
4 previously-filed memoranda and exhibits filed in connection with the FTC’s motion for
5 preliminary injunction (Docket No. 4). The purpose of this motion is to allow
6 Defendants and the FTC to file redacted memoranda and exhibits in place of the under
7 seal memoranda and exhibits, as follows:

- 8 1. Defendants previously filed their entire opposition memorandum and all
9 opposition exhibits (Docket No. 70) under seal. The Court entered an
10 order granting Defendants’ motion to seal. (Docket No. 78.)
 - 11 a. Defendants and the FTC agree that Defendants may file their
12 opposition memorandum publicly with the following redactions:
 - 13 i. Page 2, line 2: the approximation of Defendants’ number
14 of customers.
 - 15 ii. Page 3, footnote 3: the clause following “In 2011,” and the
16 following sentence.
 - 17 iii. Page 11, lines 6-7: the first sentence under heading “a”
 - 18 iv. Pages 18, line 8 through Page 20, line 4, and footnotes 90-
19 96
 - 20 v. Page 30, line 10: the full sentence beginning with the word
21 “And”
 - 22 vi. Page 30, lines 25-25: the approximation of the percentage
23 of Defendants’ customers who paid their loan in full or
24 paid down their principal before the first date on which a
25 principal payment was due
 - 26 vii. Page 31, line 6: the full sentence beginning with the word
27 “After”

- viii. Page 39, lines 16-17: Defendants' approximation of their number of customers and their calculation of their percentage of complaints
 - ix. Page 44, lines 4-5: the remainder of the sentence after the word "originated"

b. Defendants and the FTC agree that Defendants may file the Declaration of Natalie Dempsey, TLDX 4, with redactions as follows:

 - i. Paragraph 11: the second sentence
 - ii. Paragraph 12: the percentage figure
 - iii. Paragraph 15: the balance of the paragraph after the third sentence
 - iv. Paragraph 16: the final sentence
 - v. Paragraph 18
 - vi. Paragraph 52: the second sentence
 - vii. Paragraph 55: the third sentence
 - viii. Paragraphs 61-65
 - ix. Page 17, footnote 1
 - x. Paragraphs 68-70

c. Defendants and the FTC agree that Defendants may file attachments to the Dempsey Declaration, with redactions as follows:

 - i. Dempsey Declaration Attachment C: redactions to borrower's application identification number and dates of loans
 - ii. Dempsey Declaration Attachment N: redactions to borrower's first and last name and application number

- iii. Dempsey Declaration Attachment O: redactions to borrower's first and last name, application number, username, and password
 - iv. Dempsey Declaration Attachment AA: redactions necessary to comply with Special Order No. 108, and redactions to application identification number and personal email address
 - v. Dempsey Declaration Attachment BB: redactions necessary to comply with Special Order No. 108, and redactions to application identification number
 - vi. Dempsey Declaration Attachment CC: redactions necessary to comply with Special Order No. 108, and redactions to application identification number and salary information
 - vii. Dempsey Declaration Attachment DD: redactions necessary to comply with Special Order No. 108, and redactions to application identification number and salary information

d. Defendants and the FTC agree that Attachments B, Y, and Z to the Dempsey Declaration should remain under seal.

e. Any of Defendants' opposition exhibits and attachments not listed above shall be filed publicly.

2. The FTC previously filed its entire reply memorandum and all reply exhibits (Docket No. 84) under seal. The Court entered an order granting the FTC's motion to seal (Docket No. 115), preserving the FTC's right to revisit the two seal orders. (*Id.*)

a. The FTC and Defendants agree that the FTC may file its reply memorandum publicly, with the following redactions:

 - i. Page 4, footnote 7: The two percentages of Defendants' consumers who originate at third party websites and at Defendants' own websites, as well as the two numbers of loans Defendants made in 2011

- ii. Page 11, footnote 30: Defendants' calculation of the percentage of Defendants' consumers who filed complaints, and Defendants' total number of loans
 - iii. Page 11, footnote 32: Defendants' calculation of the percentage of customers who paid off their loans and the percentage of Defendants' consumers who did not default
 - iv. Page 13, line 13: Defendants' calculation of the number of Defendants' who repeat as customers
 - v. Page 14, line 7: Defendants' calculation of the percentage of consumers who originate from third parties
 - vi. Page 19, lines 8-9: The block quotation from Defendants' compliance document
 - vii. Page 28, line 18: The dollar amount of deposits into AMG's identified bank account

b. The FTC and Defendants agree that the FTC may file all its reply exhibits publicly.

3. The FTC and Defendants shall file the materials listed above within two weeks of an Order granting this motion.

4. The relief requested herein is without prejudice to any party's right to challenge confidential treatment of the redacted material in connection with future proceedings.

1 WHEREFORE, the FTC and Defendants jointly request that the Court modify its seal
2 orders (Docket Nos. 78, 115), to permit Defendants to file a redacted opposition
3 memorandum and redacted exhibits, and to permit the FTC to file a redacted reply
4 memorandum and unredacted exhibits, as set forth above.

5

6 Dated: November 26, 2012

7

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41 *USFastCash, and Miami Nation*
42 *Enterprises*

43 IT IS SO ORDERED:

44 
45 _____
46 CAM FERENBACH
47 UNITED STATES MAGISTRATE JUDGE

48 December 14, 2012
49 DATED: _____

CERTIFICATE OF SERVICE

I, Nikhil Singhvi, certify that, as indicated below, all parties were served with the **JOINT MOTION TO UNSEAL** filed with the Court.

Dated this 26th day of November 2012.

/s/ Nikhil Singhvi

Nikhil Singhvi

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